



**WORKFORCE INVESTMENT COUNCIL
DISTRICT OF COLUMBIA**



WIC Policy No.	Subject	Date
2013.010	WIA Adult and Dislocated Worker Eligibility	7/9/2013

ISSUING ENTITY:

Workforce Investment Council

SCOPE:

DC Workforce Investment Council, DC WIA Administrative Entity, One-Stop Operator(s), and Workforce System Stakeholders

REFERENCES:

Title I of the WIA of 1998, as amended (29 U.S.C. 2801 et seq.); WIA Regulations, 20 CFR Part 652 et al, 29 CFR Part 95-97. Specific citations are WIA, Sections 101(1) and (9), 134 & 136; 20 CFR 663.105; 663.110; 663.115(a)(b); 663.200; 663.240; 663.310;

EFFECTIVE DATE:

October 1, 2013

OBJECTIVE:

To provide the WIA Adult and WIA Dislocated Worker Administrative Entity and One-Stop Operators guidance regarding acceptable eligibility criteria and documentation.

BACKGROUND:

This policy provides updated and comprehensive guidelines for Workforce Investment Act (WIA) service providers regarding eligibility determination for WIA programs, and to provide information on the use of appropriate documentation to support eligibility determination.

WIA ADULT ELIGIBILITY:

Eligibility determination must be made prior to enrollment in WIA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

A. Veterans Eligibility and Priority of Service.

1. Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIA program.
2. Veteran means a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).
3. Eligible spouse is defined as the spouse of any of the following:
 - a. Any veteran who died of a service-connected disability;

#2013-10 WIA Adult and Dislocated Worker Eligibility

- b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action;
 - ii. Captured in line of duty by a hostile force; or
 - iii. Forcibly detained or interned in line of duty by a foreign government or power;
 - c. Any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs;
 - d. Any veteran who died while a disability, as indicated in paragraph (c) of this section, was in existence.
- 4. If the Workforce Investment Council (WIC) has invoked a local priority of service per WIC Policy No. 2013-005, for the WIA Adult Program, Veterans priority of service for enrollment should be implemented in the following order:
 - a. Veterans, and other non-veterans eligible for Veteran's Preference, who are eligible for the program and meet Adult priority of service requirements.
 - b. Non-veterans who are eligible for the program and meet Adult priority of service requirements.
 - c. Veterans, and other non-veterans eligible for Veteran's Preference, who are eligible for the program, but do NOT meet Adult priority of service requirements.
 - d. Non-veterans who are eligible for the program, but do NOT meet Adult priority of service requirements.

B. Adult Eligibility Criteria. Each of the following eligibility elements must be documented for each participant prior to the receipt of a core service with significant staff involvement or an intensive level service. One-Stop Operator must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this policy. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

- 1. **Right to Work**– Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIA section 188(a)(5). If the participant does not possess one of the forms of identification listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
- 2. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIA section 189(h).
- 3. **Age** at application must be 18 or older.
- 4. Unemployed, or employed and in need of services in order to obtain or retain employment leading to self-sufficiency.

C. Eligibility of Employed Workers.

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that leads to self-sufficiency which in the District means earning less than the WIC approved self-sufficiency wage. The District's self-sufficiency wage for any given Program Year shall be the equivalent of the District's negotiated average earnings rate for the WIA Dislocated Worker program.¹
2. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIA application and verify that the worker meets all program eligibility criteria including right to work, selective service, and age. An employed worker must receive at least one core service and one intensive service before training is provided.
4. Employed workers must be given the same customer choice options as other WIA participants (except for eligible employed workers who are enrolled in customized training with their employers).
5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is Customized Training or On-the-Job Training or meets one of the exempt services outlined in the District's Policy 2013 - 009.
6. WIA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

D. Eligibility Documentation Requirements.

1. **Documentation.** Physical evidence is required, which is obtained during the verification process and is maintained in participant files. Such evidence includes copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms. Documents may be stored in hard copy case files or electronic document management systems. The One-Stop Operator must ensure all information or documentation stored in an electronic document management system is backed-up routinely. The crash of a computer system is not a valid excuse for loss of information.
2. **Case Notes.** Case notes refer to either paper or electronic statements by the employment specialist that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the employment specialist who obtained the information.
3. **Self-Attestation:** Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. The key elements for self-attestation are:
 - a. the participant identifying his or her status for permitted elements; and
 - b. signing and dating a form attesting to this self-identification.

¹ For Program Year (PY) 2013, the negotiated six-month average earnings rate for Dislocated Workers is \$17,750. The hourly wage would be \$17.00 (\$17,750/1040 hours).

#2013-10 WIA Adult and Dislocated Worker Eligibility

The form and signature can be on paper or in the management information system, with an online signature.

Self-attestation cannot be used to document the basic WIA eligibility data elements of **right to work, selective service, and age** for services provided beyond core services with significant staff assistance. One-Stop Operators must document basic eligibility requirements prior to WIA program enrollment.

The following documents may be accepted to verify WIA Adult eligibility:

Eligibility	Required Documentation
Right to Work in the US (1 is required) Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.	<ul style="list-style-type: none">___ Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)___ U.S. Passport (unexpired or expired)___ Permanent Resident Card or Alien Registration Receipt Card (Form I-551)___ An unexpired foreign passport with a temporary I-551 stamp___ An unexpired Employment Authorization Document that contains a Photograph (Form I-766)___ An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form___ Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)___ Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State___ US Citizen ID card (Form I-197)___ Native American Tribal Document___ I-9 complete including signature by authorized employer or designee
Selective Service (1 is required for those required to register)	<ul style="list-style-type: none">___ Screen printout of the On-line verification at www.sss.gov___ Acknowledgement Letter from Selective Service___ Selective Service Verification Form (For 3A)___ Selective Service Registration Card___ Stamped Post Office Receipt of Registration___ DD-214 "Report of Separation"

#2013-10 WIA Adult and Dislocated Worker Eligibility

Eligibility	Required Documentation
Social Security Number (Not required for eligibility, but must be requested and validated. A Document Inspection Form may be used for any of these required documents for this eligibility element.)	<input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> IRS Form Letter 1722 <input type="checkbox"/> Letter from Social Security Agency <input type="checkbox"/> Pay Stub with Social Security number <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form <input type="checkbox"/> Declined; pseudo-SSN created
Age (1 is required) (NOTE: Source documentation requirements differ based on the level of service received)	<input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate (Document Inspection Form is not allowed) <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records <input type="checkbox"/> Self-attestation (Core Services only) <input type="checkbox"/> Case note (Core Service with significant staff assistance only)
Priority of Service Low Income – as defined by WIC policy.	<input type="checkbox"/> Pay stubs <input type="checkbox"/> Employer statement: written or telephone verification <input type="checkbox"/> Alimony agreement <input type="checkbox"/> Award letter from Veteran's Administration <input type="checkbox"/> Bank statements <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter <input type="checkbox"/> Pension statement <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Housing authority verification <input type="checkbox"/> Social Security benefits statement <input type="checkbox"/> Public assistance records <input type="checkbox"/> UI documents <input type="checkbox"/> Quarterly estimated tax (self-employed persons) <input type="checkbox"/> Self-attestation
Self-Sufficiency Wage	<input type="checkbox"/> Single pay stub with wage listed <input type="checkbox"/> Unemployed and self-attestation

WIA DISLOCATED WORKER ELIGIBILITY:

Eligibility determination must be made prior to enrollment in WIA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities to obtain or retain employment. WIA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

- A. **Veterans Eligibility.** Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIA Dislocated Worker program. See Section A of WIA Adult Eligibility for further information on veterans' priority of service.
- B. **Dislocated Worker Eligibility Criteria.** Each of the following eligibility elements (1- below) must be documented for each participant **prior to the receipt of a core service with significant staff involvement or an intensive level service.** Service providers must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.
 1. **Right to Work** – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States as required in WIA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)
 2. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIA section 189(h).
 3. Age at application must be 18 or older.
 4. Unemployed, or employed and in need of services in order to obtain or retain employment leading to self-sufficiency.
 5. In addition to the basic WIA eligibility criteria, staff making eligibility determinations must verify that the applicant qualifies under **one** of the following categories:
 - a. The applicant:
 - i. Has been terminated or laid off, or has received a notice of termination or layoff, from employment; and,
 - ii. Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under State unemployment compensation; and
 - iii. Is unlikely to return to a previous industry or occupation.

- b. The applicant:
 - i. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at a plant, facility or enterprise;
 - ii. Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days; or,
 - iii. For purposes of eligibility to receive services other than Training, Intensive or Supportive Services, is employed at a facility at which the employer has made a general announcement that the facility will close.
- c. The applicant was self-employed, but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or,
- d. The applicant is a displaced homemaker, defined as an individual who has been providing unpaid services to family members in the home and who (A) has been dependent on the income of another family member but is no longer supported by that income; and (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

C. Eligibility of Employed Workers.

1. An employed worker is an individual currently working who has been determined to be in need of services in order to obtain or retain employment that allows for self-sufficiency, in accordance with the locally established definition of that term. See WIA Section 134(d)(3)(A)(ii), 20 CFR 663.230, and preamble to the WIA regulations at Federal Register, Vol. 65, No. 156, 49294, pages 49322 – 49323.
2. Dislocated workers who have become re-employed in "income maintenance" jobs (a job with a lower rate of pay than the job of dislocation) may also be served as long as the wage earned does not exceed the local criteria for self-sufficiency.
3. Staff is required to complete a WIA application and verify that the worker meets all program eligibility criteria including right to work, selective service, and age. An employed worker must receive at least one core service and one intensive service before training is provided.
4. Employed workers must be given the same customer choice options as other WIA clients (except for eligible employed workers who are enrolled in customized training with their employers).
5. Training must be provided in compliance with the Eligible Training Provider List and Individual Training Account (ITA) requirements unless it is customized training or On-the-Job Training. WIA employed worker services primarily are provided for the benefit of the employed worker but it is recognized that these services may also benefit the employer.

D. Eligibility Documentation Requirements.

1. **Documentation.** Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms. Documents may be stored in hard copy case files or electronic document management systems. Service Providers must ensure all information or

documentation stored in an electronic document management system is backed-up routinely. The crash of a computer system is not a valid excuse for loss of information.

2. **Case Notes:** Case notes refer to either paper or electronic statements by the employment specialist that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the employment specialist who obtained the information.
3. **Self-Attestation:** Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:
 - a. the participant identifying his or her status for permitted elements; and
 - b. signing and dating a form attesting to this self-identification.
 - c. The form and signature can be on paper or in the management information system, with an online signature.

- E. **Documenting Eligibility with Self-Attestation.** Self-attestation cannot be used to document the basic WIA eligibility data elements of ***right to work and selective service*** for services provided beyond staff assisted core service with significant staff assistance. Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself.

The following documents may be accepted to verify WIA Dislocated Worker eligibility:

Eligibility	Required Documentation
Right to Work in the US (1 is required) Note: a Document Inspection Form may be used for any of these required documents for this eligibility element.	<ul style="list-style-type: none">___ Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)___ U.S. Passport (unexpired or expired)___ Permanent Resident Card or Alien Registration Receipt Card (Form I-551)___ An unexpired foreign passport with a temporary I-551 stamp___ An unexpired Employment Authorization Document that contains a Photograph (Form I-766)___ An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form___ Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)___ Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State___ US Citizen ID card (Form I-197)___ Native American Tribal Document___ I-9 complete including signature by authorized employer or designee

#2013-10 WIA Adult and Dislocated Worker Eligibility

Eligibility	Required Documentation
Selective Service (1 is required for those required to register)	<input type="checkbox"/> Screen printout of the On-line verification at www.sss.gov <input type="checkbox"/> Acknowledgement Letter from Selective Service <input type="checkbox"/> Selective Service Verification Form (For 3A) <input type="checkbox"/> Selective Service Registration Card <input type="checkbox"/> Stamped Post Office Receipt of Registration <input type="checkbox"/> DD-214 "Report of Separation"
Social Security Number (Not required for eligibility)	<input type="checkbox"/> DD-214, Report of Transfer or Discharge <input type="checkbox"/> IRS Form Letter 1722 <input type="checkbox"/> Letter from Social Security Agency <input type="checkbox"/> Pay Stub with Social Security number <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form <input type="checkbox"/> Declined; pseudo-SSN created
Age (1 is required for data validation purposes) (NOTE: Source documentation requirements differ based on the level of service received)	<input type="checkbox"/> Baptismal Record <input type="checkbox"/> Birth Certificate (Document Inspection Form is not allowed) <input type="checkbox"/> Driver's License <input type="checkbox"/> Federal, State, or Local photo ID <input type="checkbox"/> DD-214 <input type="checkbox"/> Passport <input type="checkbox"/> Hospital record of birth <input type="checkbox"/> Public assistance/social service record <input type="checkbox"/> School records or ID card <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Dept. of Vital Statistics <input type="checkbox"/> Tribal records <input type="checkbox"/> Self-attestation (Self-Service only) <input type="checkbox"/> Case note (Staff Assisted Core Service with significant staff assistance only)
Date of Dislocation (1 is required)	<input type="checkbox"/> Verification from employer <input type="checkbox"/> Rapid Response List <input type="checkbox"/> Layoff Notice <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> Self-attestation
Documentation for one of the four dislocated worker categories is required	
1. Layoff/UI/Unlikely to Return (Note: Honorable military discharge can count as a layoff, but the customer must	Layoff: <input type="checkbox"/> Letter from Employer or telephone verification <input type="checkbox"/> UI Notice of Decision <input type="checkbox"/> Public layoff notice with UI data cross-match <input type="checkbox"/> DD-214 <input type="checkbox"/> Self-attestation

#2013-10 WIA Adult and Dislocated Worker Eligibility

Eligibility	Required Documentation
<p>also meet the other two criteria.) (Note: All three circumstances must be documented)</p>	<p>UI Monetary Eligibility:</p> <p>___ UI monetary eligibility letter ___ UI Notice of Decision ___ UI wage data screen ___ UI wage claim screen ___ Self-attestation</p> <p>Unlikely to Return:</p> <p>___ Labor Market Info ___ Job Search Logs ___ Documentation of Disability ___ Self-attestation</p>
<p>_____ 2. Plant Closure, Substantial Layoff (Note: Two circumstances must be documented – the fact that the business closed or a substantial layoff occurred and that the applicant worked there.)</p>	<p>Applicant was Employed:</p> <p>___ Letter from Employer or telephone verification ___ Pay Stubs ___ UI wage data screen ___ Self-attestation</p> <p>Business Closed:</p> <p>___ Public notice of plant closure or substantial layoff ___ Copy of WARN notice ___ Newspaper ___ Letter from Employer or telephone verification ___ Self-attestation</p>
<p>_____ 3. Self-Employed –Business Closed (Note: All three circumstances must be documented)</p>	<p>Self-Employed:</p> <p>___ Business License/Permit ___ Tax records ___ UI wage data screen ___ Self-attestation</p> <p>Business Closed:</p> <p>___ Business closure notice ___ Tax records ___ Bankruptcy documentation ___ Lending Institution documentation ___ Financial statements from accountant ___ Self-attestation</p> <p>Economic Conditions or Natural Disaster:</p> <p>___ Public notice ___ USDOL Advisory</p>

#2013-10 WIA Adult and Dislocated Worker Eligibility

Eligibility	Required Documentation
_____ 4. Displaced Homemaker (Note: Two circumstances must be documented – The fact that the applicant was dependent on the income of a spouse and is no longer being supported by that income, and the fact that the applicant is unemployed or underemployed.)	<input type="checkbox"/> Public assistance records <input type="checkbox"/> Court records <input type="checkbox"/> Divorce papers <input type="checkbox"/> Bank records <input type="checkbox"/> Spouse's layoff notice <input type="checkbox"/> Spouse's death record <input type="checkbox"/> UI wage data indicating no wages <input type="checkbox"/> Self-attestation

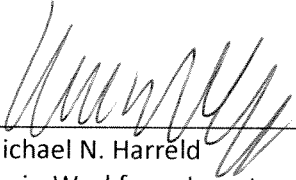
RESCISSIONS:

None

CONTACT ENTITY:

Inquiries regarding this rule should be directed to the Executive Director for the Workforce Investment Council.

APPROVAL:



Michael N. Harreld
Chair, Workforce Investment Council
Regional President, PNC Financial Services Group